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RESOLUTION NO. 05-216

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **MAIN 16, FOUR MILE CREEK SEWER (AT GREENWICH FROM 1/2 MILE SOUTH OF 21ST TO K-96 HIGHWAY) 468-83803**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **MAIN 16, FOUR MILE CREEK SEWER (AT GREENWICH FROM 1/2 MILE SOUTH OF 21ST TO K-96 HIGHWAY) 468-83803**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Main 16, Four Mile Creek Sewer (at Greenwich from 1/2 mile south of 21st to K-96 Highway) 468-83803**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Million Three Hundred Thousand Dollars (\$1,300,000)** exclusive of the cost of interest on borrowed money, with **33%** percent payable by the improvement district and **67%** percent payable by the Sewer Utility Fund. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2005**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

EASTSIDE COMMUNITY CHURCH ADDITION

Lots 1 and 3 through 6, Block A

FIRST BIBLE BAPTIST CHURCH ADDITION

Lot 1, Block A

KENSINGTON GARDENS

A PORTION OF RESERVE "A" AND LOT 1, KENSINGTON GARDENS, AN ADDITION OF SEDGWICK COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID KENSINGTON GARDENS ADDITION, SAID POINT BEING 60.00 FEET

EAST OF THE CENTERLINE OF GREENWICH ROAD; THENCE N58°32'58"E, A DISTANCE OF 114.17 FEET; THENCE N87°05'38"E, A DISTANCE OF 411.71 FEET; THENCE S88°11'31"E, A DISTANCE OF 255.05 FEET; THENCE S79°20'00"E, A DISTANCE OF 273.06 FEET; THENCE S66°47'00"E, A DISTANCE OF 182.74 FEET; THENCE N23°13'00"E, A DISTANCE OF 30.00 FEET; THENCE S66°47'00"E, A DISTANCE OF 186.05 FEET; THENCE S54°47'00"E, A DISTANCE OF 372.09 FEET; THENCE IN A SOUTHEASTERLY DIRECTION WITH A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1779.86 FEET, HAVING A CHORD BEARING OF S43°46'44"E AND A CHORD DISTANCE OF 310.52, HAVING A INTERIOR ANGLE OF 10°00'32" AND AN ARC LENGTH OF 310.92 TO A POINT; THENCE S54°25'40"W, A DISTANCE OF 319.63 FEET; THENCE S49°05'39"W, A DISTANCE OF 405.84 FEET; THENCE S00°07'33"W, A DISTANCE OF 34.74 FEET; THENCE S49°05'39"W, A DISTANCE OF 124.57 FEET; THENCE S89°16'46"W, A DISTANCE OF 514.32 FEET; THENCE N00°43'06"W, A DISTANCE OF 177.52 FEET; THENCE S89°16'46"W, A DISTANCE OF 152.24 FEET; THENCE N00°43'06"W, A DISTANCE OF 366.00 FEET; THENCE S89°16'46"W, A DISTANCE OF 560.00 FEET; THENCE N00°43'06"W, PARALLEL WITH THE CENTERLINE OF GREENWICH ROAD, A DISTANCE OF 574.73 FEET TO THE POINT OF BEGINNING. CONTAINING 1,463,112 S.F. OR 33.589 ACRES.

THE MANHATTAN ADDITION

LOT 1, BLOCK 1, EXCEPT THE SOUTH 240 FEET OF THE EAST 230 FEET THERE OF.

UNPLATTED TRACT A

(Oak Creek)

NE ¼, SECTION 9, T27S, R2E, EXCEPT PORTIONS FOR FLOODWAY RESERVE, COMMON AREA RESERVE, AND STREET RIGHTS-OF-WAY. CONTAINING 5,805,162 SQUARE FEET, MORE OR LESS (MI-45, MI-46, MI-47, MI-47-1, MI-47-2)

UNPLATTED TRACT B

(Brown)

PART OF THE NW ¼ SECTION 10, T27, R2E. COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE S0°45'57"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1014 FEET TO THE POINT OF BEGINNING; THENCE N89°16'46"E PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 1589.06 FEET; TO THE WEST LINE OF LOT 1, BLOCK A, FIRST BIBLE BAPTIST CHURCH ADDITION, SEDGWICK COUNTY, KANSAS; THENCE S0°43'14"E ALONG THE WEST LINE OF SAID LOT 1, 849.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N89°16'46"E ALONG THE SOUTH LINE OF SAID LOT 1, 643.46 FEET TO THE WEST LINE OF JOHN SEDGWICK EXPRESSWAY, DESCRIBED ON FILM 882, PAGE 537; THENCE S4°23'28"W ALONG THE WEST LINE OF SAID EXPRESSWAY, 59.24 FEET; THENCE S89°16'46"W A DISTANCE OF 1228.98 FEET; THENCE N0°43'21"W A DISTANCE OF 610.00 FEET; THENCE S89°16'46"W 998.00 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N0°45'57"W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 298.00 FEET TO THE POINT OF BEGINNING. EXCEPT PORTIONS FOR FLOODWAY RESERVE, COMMON AREA RESERVE, AND STREET RIGHTS-OF-WAY. CONTAINING 492,025 SQUARE FEET, MORE OR LESS. (C-431-UP)

UNPLATTED TRACT C

(Sutter)

BEGINNING 208,620 FEET NORTH AND 50 FEET EAST OF THE SW CORNER OF SECTION 3, T27S, R2E: THENCE EAST 570 FEET: THENCE NORTH 366 FEET; THENCE WEST 570 FEET; THENCE SOUTH 366 FEET TO THE POINT OF BEGINNING. CONTAINING 208,620 SQUARE FEET, MORE OR LESS. (C-429-UP)

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis:

The method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, April 26, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)